

[Attorneys On Next Page]

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

GIGANEWS, INC., a Texas corporation;  
and LIVEWIRE SERVICES, INC., a  
Nevada corporation,

Plaintiffs,

v.

PERFECT 10, INC., a California  
corporation; NORMAN ZADA, an  
individual; and DOES 1-50, inclusive,

Defendants.

Case No.: 2:17-cv-05075-AB (JPR)

**EMERGENCY SUPPLEMENTAL  
BRIEF IN SUPPORT OF  
PLAINTIFFS' EX PARTE  
APPLICATION TO EXTEND CASE  
DEADLINES TO ACCOMMODATE  
EFFECTS OF DISCOVERY  
ORDERS**

Discovery Cut-off: Sept. 10, 2018  
Trial Date: January 15, 2019

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**MEMORANDUM**

Plaintiffs file this supplemental memorandum to apprise the Court of developments relevant to their request to extend scheduling order deadlines to accommodate discovery ordered by the Magistrate Judge. Plaintiffs filed their ex parte application to extend case deadlines to accommodate the effects of the Court's recent discovery orders on September 18, 2018. Dkt. 81. On September 24, 2018, Defendants produced the first tranche of documents and information due under the Court's recent discovery order.

This production included native electronic versions of certain financial documents, including some associated metadata. These documents show that mere hours after this Court entered the fee award in the copyright case, Mr. Zada and his bookkeeper worked to create and backdate documents that mischaracterize key transactions at issue in this case.<sup>1</sup> These falsified financial documents present strong evidence of fraud.

Plaintiffs currently intend to retain a forensic computer expert to investigate and opine as to the documents. The current schedule requires disclosure of opening expert reports in two days, on September 27, 2018. Retaining such an expert to prepare a report will require additional time. Any proposed expert cannot even review the documents at issue until the objection period under the protective order has passed. *See* Dkt. 44 ¶¶ 5, 6, & 8.

For these additional reasons, Plaintiffs respectfully request the Court grant the schedule extensions proposed in the ex parte application.

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<sup>1</sup> The documents are designated under the protective order. Plaintiffs will therefore not disclose the contents of the documents, but will lodge them under seal if the Court so requests.



1 Dated: September 25, 2018

FENWICK & WEST LLP

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